

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

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DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

In re:

Jimmy D. Saylor
Tammie M. Saylor
Debtors

Bankruptcy Case No. 02-80576-WRS

Jimmy D. Saylor
Plaintiff

v.

Select Portfolio Servicing, Inc.
Defendant

Adversary Proceeding No. 06-08035-WRS

3: 07CV 229-WKW

TRANSMITTAL OF APPEAL

I do hereby certify that the documents herein comprise the items in the designation of contents related to the Notice of Appeal filed in the above referenced case.

Transmittal Submitted On: March 14, 2007

Notice of Appeal Filed: February 22, 2007

Contents of Record:

Designated Items of Appellant(s): March 2, 2007

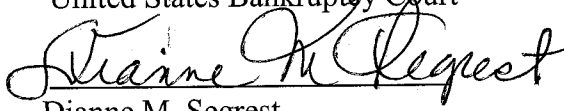
Designated Items of Appellee: March 9, 2007

Remarks:

Filing Fee Paid on February 23, 2007 : \$255.00 Rec#2166796(BK docket #29)

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FROM: /s/ Richard S. Oda, Clerk
United States Bankruptcy Court


Dianne M. Segrest
Deputy Clerk

DOCKET SHEET

DschDebt, CLOSED

**U.S. Bankruptcy Court
Middle District of Alabama (Opelika)
Bankruptcy Petition #: 02-80576
Internal Use Only**

Assigned to: William R. Sawyer
Chapter 13
Previous chapter 13
Voluntary
Asset

Date Filed: 04/29/2002
Date Terminated:
09/25/2006
Date Discharged:
09/08/2006

Debtor

Jimmy D. Saylor
6911 Lee Road 390
Opelika, AL 36804
SSN: 421-98-0227

represented by **David S. Clark**

Brock & Stout & Clark
P. O. BOX 1586
Opelika, AL 36801
334-749-3800
Fax : 334-749-7070
Email:
brockstoutclark@yahoo.com

David-CR G. Poston

Brock & Stout
P.O. Drawer 311167
Enterprise, AL 36331-1167
334-393-4357
Fax : 334-393-0026
Email:
david@circlecitylaw.com
TERMINATED: 08/14/2006

Joint Debtor

Tammie M. Saylor
6911 Lee Road 390
Opelika, AL 36804
SSN: 416-17-2037

represented by **David S. Clark**

(See above for address)

David-CR G. Poston

(See above for address)

AKA**Tammie McLinn****TERMINATED: 08/14/2006****Bankruptcy Admin.****Bankruptcy Administrator**

U. S. Bankruptcy Administrator

One Church Street

Montgomery, AL 36104

Trustee**Curtis C. Reding**

P. O. Box 173




Montgomery, AL 36101

334 262-8371








Filing Date	# <i>ITEM #</i>	Docket Text
04/29/2002	<u>1</u>	VOLUNTARY petition under chapter 13 , [CO], ORIGINAL NIBS DOCKET ENTRY #1 \$185pd 9/24/02 02-8571 Modified on 1/23/2003 (DH,). (Entered: 05/02/2002)
04/29/2002	2	SCHEDULES and Statement of Affairs , [CO], ORIGINAL NIBS DOCKET ENTRY #2 (Entered: 05/02/2002)
04/29/2002	3	ATTORNEY Statement of Compensation , [CO], ORIGINAL NIBS DOCKET ENTRY #3 (Entered: 05/02/2002)
04/29/2002	4	NOTICE of 341 meeting on 06/04/02 at 09:00 A.M. at U.S. Bankruptcy Court, Federal Courthouse, Opelika, AL [Rescheduled], [CO], ORIGINAL NIBS DOCKET ENTRY #4 (Entered: 05/02/2002)




04/29/2002	<u>5</u>	CLAIMS Bar Date due on 09/03/02, [CO], ORIGINAL NIBS DOCKET ENTRY #5 (Entered: 05/02/2002)
04/29/2002	<u>6</u>	NOTICE of Confirmation Hearing on 06/26/02 at 10:00 A.M. at U.S. Bankruptcy Court, Federal Courthouse, Opelika, AL, [CO], ORIGINAL NIBS DOCKET ENTRY #6 (Entered: 05/02/2002)
04/29/2002	<u>7</u>	APPLICATION/ORDER FOR FEES , [CO], ORIGINAL NIBS DOCKET ENTRY #7 (Entered: 05/02/2002)
04/29/2002	<u>8</u>	CHP13 Plan or Summary , [CO], ORIGINAL NIBS DOCKET ENTRY #8 (Entered: 05/02/2002)
05/06/2002	<u>9</u>	MOTION to Avoid Non-Possessory, Non-Purchase Money Lien [Washington Mutual] Debtors [Disposed], [DS], ORIGINAL NIBS DOCKET ENTRY #9 (Entered: 05/08/2002)
05/09/2002	<u>10</u>	ORDER on Motion to Avoid Lien [Objections by July 12, 2002] Re: Item # 9, [CO], ORIGINAL NIBS DOCKET ENTRY #10 (Entered: 05/09/2002)
05/16/2002	<u>11</u>	CERTIFICATE OF SERVICE for 341 Meeting & Confirmation Hearing , [CO], ORIGINAL NIBS DOCKET ENTRY #11 (Entered: 05/18/2002)
06/06/2002	<u>12</u>	341 meeting was continued [proceeding memo] Re: Item # 4 [Rescheduled] [Entered: 06/07/02], [CO] CONTINUED Confirmation Hearing on 07/10/02






		at 10:00 A.M. at U.S. Bankruptcy Court, Federal Courthouse, Opelika, AL Re: Item # 6, [CO], ORIGINAL NIBS DOCKET ENTRY #12 (Entered: 06/07/2002)
06/07/2002	<u>13</u>	MOTION to Make Direct Payment to Trustee [Debtor] [Disposed], [CO], ORIGINAL NIBS DOCKET ENTRY #13 (Entered: 06/07/2002)
06/11/2002	<u>14</u>	ORDER Allowing Direct Payments to Trustee Re: Item # 13, [CO], ORIGINAL NIBS DOCKET ENTRY #14 (Entered: 06/11/2002)
06/20/2002	<u>15</u>	341 meeting was continued [proceeding memo] Re: Item # 12 [Entered: 06/28/02], [CO] CONTINUED Confirmation Hearing on 08/14/02 at 10:00 A.M. at U.S. Bankruptcy Court, Federal Courthouse, Opelika, AL, [CO], ORIGINAL NIBS DOCKET ENTRY #15 (Entered: 06/28/2002)
06/21/2002	<u>16</u>	MOTION to Amend Schedules I, J and The Chapter 13 Plan , [CO], ORIGINAL NIBS DOCKET ENTRY #16 (Entered: 07/03/2002)
06/21/2002	<u>17</u>	AMENDMENT to Schedule I , [CO], ORIGINAL NIBS DOCKET ENTRY #17 (Entered: 07/03/2002)
06/21/2002	<u>18</u>	AMENDMENT to Schedule J , [CO], ORIGINAL NIBS DOCKET ENTRY #18 (Entered: 07/03/2002)
06/21/2002	<u>19</u>	AMENDED Chapter 13 Plan or Summary , [CO], ORIGINAL NIBS DOCKET ENTRY #19 (Entered: 07/03/2002)






06/24/2002	<u>20</u>	NOTICE of Appearance [Tobin K. Clark of The Ramsey Law Firm, P.C., for LANDmark America, Inc.], [CO], ORIGINAL NIBS DOCKET ENTRY #20 (Entered: 07/03/2002)
07/03/2002	<u>21</u>	MOTION to Amend Schedules E, J and The Chapter 13 Plan [Receipt #02006050] , [CO], ORIGINAL NIBS DOCKET ENTRY #21 (Entered: 07/10/2002)
07/03/2002	<u>22</u>	AMENDMENT to Schedule E , [CO], ORIGINAL NIBS DOCKET ENTRY #22 (Entered: 07/10/2002)
07/03/2002	<u>23</u>	AMENDMENT to Schedule J , [CO], ORIGINAL NIBS DOCKET ENTRY #23 (Entered: 07/10/2002)
07/03/2002	<i>ITEM #2</i> <u>24</u>	AMENDED Chapter 13 Plan of Summary , [CO], ORIGINAL NIBS DOCKET ENTRY #24 (Entered: 07/10/2002)
07/05/2002	<u>25</u>	341 Meeting was Held [Proceeding Memo] , [CO], ORIGINAL NIBS DOCKET ENTRY #25 (Entered: 07/10/2002)
08/21/2002	 <u>26</u>	Trustee's Summary of Confirmed Ch 13 Plan and Request for Order Confirming Plan. (Reding(SF), Curtis) (Entered: 08/21/2002)
08/26/2002	 <u>27</u>	Notice of Appearance and Request for Notice. (Lee, Thomas) (Entered: 08/26/2002)
09/18/2002	 <u>28</u>	Order Confirming Chapter 13 Plan Entered On 9/18/2002 (related document(s) <u>26</u>). (CO,) (Entered: 09/18/2002)






09/20/2002	<i>ITEM #3</i>	<u>29</u>	BNC Certificate of Service - Order Confirming Ch 13 Plan Service Date 09/20/02. (Related Doc # [28]) (Admin.) (Entered: 09/21/2002)
02/06/2003			Motions terminated.. Related doc #16 (CO,) (Entered: 02/06/2003)
02/20/2003			Motions terminated.. Re: #21 (CO,) (Entered: 02/20/2003)
10/08/2003		<u>30</u>	Transfer of Claim. Transfer Agreement 3001 (e) 2 Transferors:Landmark America Inc.(Claim No.00002, Amount 19,836.13) To National Capital Management Filed by National Capital Management, LLC. (JS,) (Entered: 10/09/2003)
09/10/2004	<i>ITEM #4</i>	<u>31</u>	First Motion for Relief from Stay. Fee Amount \$150. Filed by Scott J. Humphrey on behalf of Select Portfolio Servicing, Inc.. Responses due by 10/25/2004. (Humphrey, Scott) (Entered: 09/10/2004)
09/10/2004		32	Receipt of Motion for Relief From Stay(02-80576) [motion,mrlfsty] (150.00) filing fee. Receipt number 1127B1079209, amount \$ 150.00. (U.S. Treasury) (Entered: 09/10/2004)
10/14/2004	<i>ITEM #5</i>	<u>33</u>	Order Conditionally Denying Motion For Relief From Stay (Select Portfolio Servicing, Inc.) (Related Doc # <u>31</u>) Entered On 10/14/2004. (YP,) (Entered: 10/14/2004)
10/16/2004		<u>34</u>	BNC Certificate of Service - See Image Attached - (RE: related document(s) <u>33</u> Order on Motion For Relief From Stay). No. of Notices: 4. Service Date 10/16/2004. (Admin.) (Entered: 10/17/2004)






09/02/2005	 <u>35</u>	Trustee's Motion to Conditionally Dismiss Case (ExParte). Responses due by 09/26/2005. (Reding, Curtis-EC) (Entered: 09/02/2005)
09/15/2005	 <u>36</u>	Objection to <i>Trustee's Motion to Dismiss</i> Filed by David S. Clark on behalf of Jimmy D. Saylor, Tammie M. Saylor (RE: related document(s) <u>35</u> Trustee's Motion to Conditionally Dismiss Case (ExParte)). (Clark, David) (Entered: 09/15/2005)
09/16/2005	 <u>37</u>	Notice of Hearing Set (RE: related document(s) <u>35</u> Trustee's Motion to Conditionally Dismiss Case (ExParte), <u>36</u> Objection). Hearing scheduled for 10/12/2005 at 10:15 AM at Opelika Federal Courthouse, U.S. Bankruptcy Court. (BL,) (Entered: 09/16/2005)
09/18/2005	 <u>38</u>	BNC Certificate of Service - Hearing - (RE: related document(s) <u>37</u> Hearing (Bk)). No. of Notices: 1. Service Date 09/18/2005. (Admin.) (Entered: 09/19/2005)
10/13/2005	 <u>39</u>	Proceeding Memo - Objecyion sustained; motion to dismiss is denied; SO ORDERED (RE: related document(s) <u>36</u> Objection). (CS,) (Entered: 10/13/2005)
06/16/2006	 <u>40</u>	Amended Schedules. <i>B, I & J</i> Filed by David S. Clark on behalf of Jimmy D. Saylor, Tammie M. Saylor. (Attachments: # <u>1</u> Motion to Amend) (Clark, David) (Entered: 06/16/2006)
06/16/2006	 <u>41</u>	Amended Schedules. The following creditors were added: Alabama Imaging, Anesthesia Assoc of East AL, Dr. Foley, Dr. Golden, EAMC, East Al Family Medicine, East AL Urology Assoc, Herring Spine & Rehab, Holloway Credit




		Solutions, UAB & UAHSF. Fee Amount \$26. Filed by David S. Clark on behalf of Jimmy D. Saylor, Tammie M. Saylor. (Attachments: # <u>1</u> Motion to Amend) (Clark, David) (Entered: 06/16/2006)
06/16/2006	 <u>42</u>	WITHDRAWN - SEE DE#<u>67</u> - Rule 9007 Motion/Notice/Objection: Motion to Modify Plan Post Confirmation Filed by David S. Clark on behalf of Jimmy D. Saylor, Tammie M. Saylor. Responses due by 7/10/2006. (Attachments: # <u>1</u> Amended Plan) (Clark, David) Modified on 9/12/2006 (YP,). (Entered: 06/16/2006)
06/19/2006	43	Receipt of Amended Schedules (Fee)(02-80576) [misc,amdsch] (26.00) filing fee. Receipt number 1865849, amount \$ 26.00. (U.S. Treasury) (Entered: 06/19/2006)
06/19/2006		Flags: AwCAact16 flag(s) removed (Creditor Matrix Verified - Fee Paid). (CO,) Modified text on 6/19/2006 (CO,). (Entered: 06/19/2006)
06/22/2006	 <u>44</u>	Notice of Telephone Hearing Set (RE: related document(s) <u>42</u> Rule 9007-1 Motion to Amend Confirmed Plan). Hearing scheduled for 7/18/2006 at 09:00 AM at Telephone Hearing. (JPC,) (Entered: 06/22/2006)
06/29/2006	 <u>45</u>	Response to <i>Debtor's Motion to Amend Plan</i> Filed by Scott J. Humphrey on behalf of Select Portfolio Servicing, Inc. (RE: related document(s) <u>42</u> Rule 9007-1 Motion/Notice/Objection filed by Debtor Jimmy D. Saylor, Joint Debtor Tammie M. Saylor). (Humphrey, Scott) (Entered: 06/29/2006)






07/07/2006	 <u>46</u>	Application to Employ Professional Person(s) David G. Poston as Attorney Filed by David-CR G. Poston on behalf of Jimmy D. Saylor, Tammie M. Saylor. (Attachments: # <u>1</u> Affidavit Of Proposed Attorney) (Poston, David-CR) (Entered: 07/07/2006)
07/10/2006	 <u>47</u>	Adversary case 06-08035. (498 (Other Action)): Complaint against Select Portfolio Servicing, Inc.. -NO FEE DUE- Filed by David-CR G. Poston, Jimmy D. Saylor on behalf of Jimmy D. Saylor. (Attachments: # <u>1</u> Appendix Summons) (Poston, David-CR) (Entered: 07/10/2006)
07/11/2006		Deadline terminated. In Re: #42. (BL,) (Entered: 07/11/2006)
07/13/2006	 <u>48</u>	Bankruptcy Administrator Response to Application to Employ Professional Person(s) <i>Recommends for a Special Purpose, Sec. 327(e) Poston</i> Filed by Bankruptcy Admin. Bankruptcy Administrator, Bankruptcy Administrator (RE: related document(s) <u>46</u> Application to Employ Professional Person(s) filed by Debtor Jimmy D. Saylor, Joint Debtor Tammie M. Saylor). (Hayes, Tina) (Entered: 07/13/2006)
07/18/2006	 <u>49</u>	Hearing Continued from 7/18/06 on matter filed by David S. Clark of Brock & Stout & Clark (RE: related document(s) <u>42</u> Rule 9007-1 Motion/Notice/Objection). Hearing scheduled for 7/26/2006 at 10:00 AM at Opelika Federal Courthouse, U.S. Bankruptcy Court. (BL,) (Entered: 07/18/2006)
07/19/2006	 <u>50</u>	Notice of Telephone Hearing Set (RE: related document(s) <u>46</u> Application to Employ

		Professional Person, David G. Poston, Special Counsel for Debtors). Hearing scheduled for 7/25/2006 at 09:00 AM at Telephone Hearing. (JPC,) (Entered: 07/19/2006)
07/25/2006	 <u>51</u>	WITHDRAWN - SEE DE #<u>71</u> - Debtor's Objection to Claim # 3 <i>Filed by Eastern Mortgage Services, Inc. c/o Fairbanks Capital Corp.</i> Filed by David-CMD S. Clark on behalf of Jimmy D. Saylor, Tammie M. Saylor. Responses due by 8/24/2006. (Clark, David-CMD) Modified on 9/12/2006 (YP,). (Entered: 07/25/2006)
07/25/2006	 <u>52</u>	Hearing Continued from 7/25/06 on matter filed by David-CR G. Poston of Brock & Stout (RE: related document(s) <u>46</u> Application to Employ Professional Person(s)). Hearing scheduled for 8/1/2006 at 9:00 AM at Telephone Hearing. (BL,) (Entered: 07/25/2006)
07/26/2006	 <u>53</u>	Hearing Continued from 7/26/06 on matter filed by David S. Clark of Brock & Stout & Clark (RE: related document(s) <u>42</u> Rule 9007-1 Motion/Notice/Objection). Hearing scheduled for 8/9/2006 at 10:00 AM at Opelika Federal Courthouse, U.S. Bankruptcy Court. (BL,) (Entered: 07/27/2006)
08/03/2006	 <u>54</u>	INCORRECT DOCKET EVENT USED - RESPONSE REFILED UNDER DE# <u>55</u> - Answer to Complaint Filed by Scott J. Humphrey on behalf of Select Portfolio Servicing, Inc.. (Humphrey, Scott) Modified text on 8/4/2006 (CO,). (Entered: 08/03/2006)
08/04/2006	 <u>55</u>	Response to Debtor's Objection to Claim (Claim No. 3) Filed by Scott J. Humphrey on behalf of

		Select Portfolio Servicing, Inc. (RE: related document(s) <u>51</u> Objection to Claim filed by Debtor Jimmy D. Saylor, Joint Debtor Tammie M. Saylor). (CO,) (Entered: 08/04/2006)
08/07/2006	 <u>56</u>	Notice of Telephone Hearing Set (RE: related document(s) <u>51</u> Objection to Claim, <u>55</u> Response,). Hearing scheduled for 8/15/2006 at 9:00 AM at Telephone Hearing. (BL,) (Entered: 08/07/2006)
08/08/2006	 <u>57</u>	Amended Schedules. <i>I</i> Filed by David S. Clark on behalf of Jimmy D. Saylor, Tammie M. Saylor. (Attachments: # <u>1</u> Motion to Amend) (Clark, David) (Entered: 08/08/2006)
08/08/2006	 <u>58</u>	WITHDRAWN - SEE DE #<u>66</u> Rule 9007 Motion/Notice/Objection: Motion to Modify Plan Post Confirmation Filed by David S. Clark on behalf of Jimmy D. Saylor, Tammie M. Saylor. Responses due by 8/31/2006. (Attachments: # <u>1</u> Amended Plan) (Clark, David) Modified on 9/12/2006 (YP,). (Entered: 08/08/2006)
08/09/2006	 <u>59</u>	Hearing Continued from 8/9/06 on matter filed by David S. Clark of Brock & Stout & Clark (RE: related document(s) <u>42</u> Rule 9007-1 Motion/Notice/Objection). Hearing scheduled for 9/13/2006 at 10:00 AM at Opelika Federal Courthouse, U.S. Bankruptcy Court. (BL,) (Entered: 08/10/2006)
08/10/2006	 <u>60</u>	Request for Production of Documents Filed by David S. Clark on behalf of Jimmy D. Saylor, Tammie M. Saylor. (Attachments: # <u>1</u> Notice of Filing Interrogatories & Request for Production) (Clark, David) (Entered: 08/10/2006)

08/10/2006	 <u>61</u>	Interrogatories Filed by David S. Clark on behalf of Jimmy D. Saylor, Tammie M. Saylor. (Attachments: # <u>1</u> Notice of Filing Interrogatories & Request for Production) (Clark, David) (Entered: 08/10/2006)
08/10/2006	 <u>62</u>	WITHDRAWN - SEE DE #71 Amended Objection to Claim # 3 <i>filed by Eastern Mortgage Services</i> Filed by David S. Clark on behalf of Jimmy D. Saylor, Tammie M. Saylor. Responses due by 9/11/2006. (Clark, David) Modified on 9/12/2006 (YP,). (Entered: 08/10/2006)
08/11/2006	 <u>63</u>	Order Authorizing Employment of Attorney (Related Doc # <u>46</u>) Application to Employ Professional Person (David G. Poston) Entered On 8/11/2006. (JI,) (Entered: 08/11/2006)
08/13/2006	 <u>64</u>	BNC Certificate of Service - See Image Attached - (RE: related document(s) <u>63</u> Order on Application to Employ Professional Person(s)). No. of Notices: 3. Service Date 08/13/2006. (Admin.) (Entered: 08/14/2006)
08/14/2006		Attorney David S. Clark for Jimmy D. Saylor added to case. Attorney David G Poston added in ERROR on 7/7/06 as atty of record for debtors. Attorney Poston termed on 8/14/2006 as atty of record and modified as "special counsel". (DS,) Modified text on 8/14/2006 (DS,). (Entered: 08/14/2006)
08/15/2006	 <u>65</u>	NOTED SUBMISSION ERROR - INCORRECT DOCKET EVENT USED - REPLACED WITH DE #71 - Withdrawal of Claim # 3 Filed by David S. Clark on behalf of Jimmy D. Saylor, Tammie M. Saylor. (Clark, David) Modified on 9/12/2006

		(YP,). (Entered: 08/15/2006)
08/15/2006	 <u>71</u>	Notice to Withdraw Document: <i>Objection to Claim #3 by Eastern Mortgage Services, Inc. and Amended Objection to Claim #3</i> Filed by David S. Clark on behalf of Jimmy D. Saylor, Tammie M. Saylor (RE: related document(s) <u>51</u> Objection to Claim filed by Debtor Jimmy D. Saylor, Joint Debtor Tammie M. Saylor, <u>62</u> Objection to Claim filed by Debtor Jimmy D. Saylor, Joint Debtor Tammie M. Saylor). (YP,) (Entered: 09/12/2006)
08/21/2006	 <u>66</u>	Notice to Withdraw Document Filed by David S. Clark on behalf of Jimmy D. Saylor, Tammie M. Saylor (RE: related document(s) <u>58</u> Rule 9007-1 Motion/Notice/Objection filed by Debtor Jimmy D. Saylor, Joint Debtor Tammie M. Saylor). (Clark, David) (Entered: 08/21/2006)
08/22/2006		Motion terminated, Deadlines terminated. Notice to W/Draw Rule 9007-1 Motion was filed (RE: related document(s) <u>58</u> Rule 9007-1 Motion/Notice/Objection). (RK,) (Entered: 08/22/2006)
08/24/2006	 <u>67</u>	Notice to Withdraw Document Filed by David S. Clark on behalf of Jimmy D. Saylor, Tammie M. Saylor (RE: related document(s) <u>42</u> Rule 9007-1 Motion/Notice/Objection filed by Debtor Jimmy D. Saylor, Joint Debtor Tammie M. Saylor). (Clark, David) (Entered: 08/24/2006)
08/25/2006		Deadlines terminated., Motion terminated. (RE: related document(s) <u>42</u> Rule 9007-1 Motion/Notice/Objection). Notice to Withdraw filed 8/24/2006 Re: # <u>67</u> . (CO,) (Entered: 08/25/2006)

09/07/2006	 <u>68</u>	Final Report and Final Account of Ch 13 Trustee (Payments to Creditors) and Motion to Discharge Debtor After Completion of Ch 13 Plan. (Reding, Curtis-EC) (Entered: 09/07/2006)
09/08/2006	 <u>69</u>	Order Discharging Both Debtors After Completion of Ch 13 Plan. (Certificate of Service will be filed within 5 days) Entered On 9/8/2006 (RE: related document(s) <u>68</u> Final Report and Final Account of Ch 13 Trustee (Payments to Creditors) and Motion to Discharge Debtor After Completion of Ch 13 Plan). (CS,) (Entered: 09/08/2006)
09/10/2006	 <u>70</u>	BNC Certificate of Service - Order of Discharge - (RE: related document(s) <u>69</u> Discharging Both Debtors After Completion of Ch 13 Plan,). No. of Notices: 49. Service Date 09/10/2006. (Admin.) (Entered: 09/10/2006)
09/11/2006		Case could not be closed because waiting 10 days to close. Close Case Follow Up Review due on 9/22/2006. (CS,) . (Entered: 09/11/2006)
09/12/2006	 <u>72</u>	Notice of Electronic Submission Error (Non-Image Entry)(INCORRECT DOCKET EVENT USED, REPLACED WITH DE # <u>71</u>) (RE: related document(s) <u>65</u> Withdrawal of Claim). (YP,) (Entered: 09/12/2006)
09/12/2006		Deadlines terminated on Response Deadline -30 days RE: <u>51</u> , <u>62</u> Objection to Claim ?Due: 09/11/2006 and 9/12/2006., Documents terminated., Motion terminated. (RE: related document(s) <u>55</u> Response,, <u>62</u> Objection to Claim, <u>51</u> Objection to Claim,). (YP,) (Entered: 09/12/2006)

09/25/2006	73	Order Discharging Standing Trustee,Releasing Bond Liability and Closing Case: It appearing to the Court that the trustee in this case has performed all of the duties required of him in the administration of this case; that he has made distribution by order of this Court, and has rendered a full and complete account thereof, and no adverse interest being represented; It is therefore ORDERED that the Ch 12/13 trustee be discharged and relieved of his trust, and that he and the sureties on this bond be released from further liability thereunder; It is further Ordered that this case be, and the same is hereby CLOSED. U.S. Bankruptcy Judge (Non-Image Entry). (CO,) (Entered: 09/25/2006)
09/25/2006	74	Bankruptcy Case Closed (Non-Image Entry). (CO,) (Entered: 09/25/2006)

DOCKET SHEET

DISMISSED, APPEAL

**U.S. Bankruptcy Court
Middle District of Alabama (Opelika)
Adversary Proceeding #: 06-08035
Internal Use Only**

Assigned to: William R. Sawyer

Date Filed: 07/10/06

Related BK Case: 02-80576 (Associated Cases)

Date Dismissed: 01/12/07

Related BK Title: Jimmy D. Saylor and

Tammie M. Saylor

Related BK Chapter: 13

Demand:

Nature[s] of Suit: 498 Other Action

Plaintiff

Jimmy D. Saylor

6911 LEE ROAD 390

OPELIKA, AL 36804

SSN: 421-98-0227

represented by **David-CR G. Poston**

Brock & Stout

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LEAD ATTORNEY

Michael-AH D. Brock

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Fax : 334-393-0026

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brockandstout@yahoo.com

V.

Defendant

Select Portfolio Servicing, Inc.
Attn: Legal Dept. 3815 South
West Temple
Salt Lake City, UT 84115

represented by **Michael E. Bybee**
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2107 5th Avenue, No., Ste. 200
Birmingham, AL 35203
205-252-1622
Fax : 205-252-2888
Email: mbybee1@bellsouth.net

Filing Date		Docket Text
07/10/2006	<i>ITEM # 8</i> <u>1</u>	Adversary case 06-08035. (498 (Other Action)): Complaint against Select Portfolio Servicing, Inc.. -NO FEE DUE- Filed by David-CR G. Poston on behalf of Jimmy D. Saylor. (Attachments: # <u>1</u> Appendix Summons) (Poston, David-CR) Modified text on 7/11/2006 (DS,). (Entered: 07/10/2006)
07/11/2006		Flags: AwCAact21 flag(s) removed. No filing fee required - filed by debtor. New Case Received and Reviewed for Accuracy. (DS,) (Entered: 07/11/2006)
07/11/2006	<u>2</u>	Summons Issued to Attorney for Plaintiff (David G. Poston) to be served on Defendant Select Portfolio Servicing, Inc. Date Issued 7/11/2006, Answer Due 8/10/2006. Execution of Summons to be done by 7/21/2006. (DS,) (Entered: 07/11/2006)
07/13/2006	<u>3</u>	Summons Service Executed on Select Portfolio Servicing, Inc. 7/13/2006 . (RE: related







		document(s) <u>2</u> Summons Issued). (Poston, David-CR) (Entered: 07/13/2006)
07/13/2006	<u>4</u>	BNC Certificate of Service - See Image Attached - (RE: related document(s) <u>2</u> Summons Issued). No. of Notices: 1. Service Date 07/13/2006. (Admin.) (Entered: 07/14/2006)
08/03/2006	<u>5</u>	Notice of Appearance and Request for Notice Filed by Michael E. Bybee on behalf of Select Portfolio Servicing, Inc.. (Bybee, Michael) (Entered: 08/03/2006)
08/10/2006	<u>6</u>	Amended Notice of Appearance and Request for Notice Filed by Michael E. Bybee on behalf of Select Portfolio Servicing, Inc.. (Bybee, Michael) (Entered: 08/10/2006)
08/10/2006	<u>7</u>	Motion to Dismiss Adversary Proceeding Filed by Michael E. Bybee on behalf of Select Portfolio Servicing, Inc.. (Bybee, Michael) (Entered: 08/10/2006)
08/17/2006	<u>8</u>	Notice of Telephone Hearing Set (RE: related document(s) <u>7</u> Motion to Dismiss Adversary Proceeding). Hearing scheduled for 9/12/2006 at 09:00 AM at Telephone Hearing. (JPC,) (Entered: 08/17/2006)
08/19/2006	<u>9</u>	BNC Certificate of Service - Hearing - (RE: related document(s) <u>8</u> Telephone Hearing). No. of Notices: 1. Service Date 08/19/2006. (Admin.) (Entered: 08/20/2006)
08/30/2006	<u>10</u>	Answer to Complaint Filed by Michael E. Bybee on behalf of Select Portfolio Servicing, Inc..

ITEM #9





ITEM #10


		(Bybee, Michael) (Entered: 08/30/2006)
09/18/2006		Matter Under Advisement Re: (RE: related document(s)7 Motion to Dismiss Adversary Proceeding). Matter Under Advisement Due by 9/12/2006. (Sawyer, William) (Entered: 09/18/2006)
09/27/2006	ITEM #11	Brief Filed by Michael E. Bybee on behalf of Select Portfolio Servicing, Inc. (RE: related document(s)7 Motion to Dismiss Adversary Proceeding filed by Defendant Select Portfolio Servicing, Inc.). (Bybee, Michael) (Entered: 09/27/2006)
09/29/2006		Matter Under Advisement Re: (RE: related document(s) Set Matter Under Advisement Deadline). Matter Under Advisement Due by 10/27/2006. (Sawyer, William) (Entered: 09/29/2006)
10/19/2006	ITEM #12	Plaintiff's Brief in Response to Defendant's Motion to Dismiss Filed by David-CR G. Poston on behalf of Jimmy D. Saylor (RE: related document(s)11 Brief filed by Defendant Select Portfolio Servicing, Inc.). (CO,) Modified text on 10/20/2006 (CO,). Additional attachment(s) added on 10/20/2006 (CO,). Additional attachment(s) added on 10/20/2006 (CO,). Additional attachment(s) added on 10/20/2006 (CO,). Modified text to correct file date on 10/20/2006 (CO,). Additional attachment(s) added on 10/20/2006 (CO,). (Entered: 10/20/2006)
10/26/2006		Reply to <i>Plaintiff's Brief in Response to Select Portfolio's Motion to Dismiss</i> Filed by Michael E.

		Bybee on behalf of Select Portfolio Servicing, Inc. (RE: related document(s) <u>7</u> Motion to Dismiss Adversary Proceeding filed by Defendant Select Portfolio Servicing, Inc.). (Bybee, Michael) (Entered: 10/26/2006)
10/26/2006	ITEM #13 14	Motion to Amend <i>Complaint</i> Filed by David-CR G. Poston on behalf of Jimmy D. Saylor (RE: related document(s) <u>1</u> Complaint, filed by Plaintiff Jimmy D. Saylor). (Attachments: # <u>1</u> Exhibit A) (Poston, David-CR) (Entered: 10/26/2006)
10/30/2006		Matter Under Advisement Re: (RE: related document(s) Set Matter Under Advisement Deadline). Matter Under Advisement Due by 12/4/2006. (Sawyer, William) (Entered: 10/30/2006)
11/01/2006	ITEM #14 15	Order Granting Motion To Amend Complaint and Granting Additional Time to Brief Motion (Related Doc # <u>14</u>); RE: Docs. <u>7</u> , <u>11</u> , <u>12</u> , <u>13</u> Entered On 11/1/2006. (CO,) (Entered: 11/01/2006)
11/10/2006	ITEM #15 16	Response to <i>First Amended Complaint (Exhibit "A")</i> Filed by Michael E. Bybee on behalf of Select Portfolio Servicing, Inc. (RE: related document(s) <u>14</u> Motion to Amend filed by Plaintiff Jimmy D. Saylor). (Bybee, Michael) (Entered: 11/10/2006)
11/13/2006	ITEM #16 17	Amended Complaint by David-CR G. Poston Plaintiff Jimmy D. Saylor, Defendant Select Portfolio Servicing, Inc. against Select Portfolio Servicing, Inc.. (RE: related document(s) <u>16</u> Response filed by Defendant Select Portfolio Servicing, Inc., <u>15</u> Order on Motion to Amend).

		(Poston, David-CR) (Entered: 11/13/2006)
11/29/2006	 <u>18</u>	Supplemental Brief <i>In Support of Defendant's Motion to Dismiss</i> Filed by Michael E. Bybee on behalf of Select Portfolio Servicing, Inc. (RE: related document(s) <u>11</u> Brief filed by Defendant Select Portfolio Servicing, Inc.). (Bybee, Michael) (Entered: 11/29/2006)
01/12/2007 ITEM # 19	 <u>19</u>	Order Granting Motion to Dismiss Adversary Proceeding (Related Doc # <u>7</u>) Entered On 1/12/2007. (Pugh, Rebekah) (Entered: 01/12/2007)
01/12/2007 ITEM # 18	 <u>20</u>	MEMORANDUM DECISION/OPINION - Authored by Judge William Sawyer. Entered On 1/12/2007. (Pugh, Rebekah) (Entered: 01/12/2007)
01/17/2007		Case could not be closed because Holding 10 days to close case. Close Case Follow Up Review due on 1/29/2007. (CO,) (Entered: 01/17/2007)
01/19/2007 ITEM # 19	 <u>21</u>	Motion to Reconsider/ Set Aside / <i>Plaintiff's Motion To Alter Or Amend Judgment And Request For Oral Argument</i> . Filed by David-CR G. Poston on behalf of Jimmy D. Saylor (RE: related document(s) <u>20</u> Opinion, <u>19</u> Order on Motion to Dismiss Adversary Proceeding). (Attachments: # <u>1</u> Affidavit Affidavit of Kevin P. Byers, CPA) (Poston, David-CR) (Entered: 01/19/2007)
01/22/2007	 <u>22</u>	Notice of Telephone Hearing Set (RE: related document(s) <u>21</u> Plaintiff's Motion to Reconsider/ Set Aside,). Hearing scheduled for 2/13/2007 at 09:00 AM at Telephone Hearing. (JPC,)

		(Entered: 01/22/2007)
01/24/2007	● <u>23</u>	BNC Certificate of Service - Hearing - (RE: related document(s) <u>22</u> Telephone Hearing). No. of Notices: 1. Service Date 01/24/2007. (Admin.) (Entered: 01/25/2007)
01/30/2007		Case could not be closed because Hearing pending on Motion to Reconsider/Set Aside Re: # <u>21</u> (RE: related document(s) Close Case Follow Up Review - Cannot Close Case). Close Case Follow Up Review due on 2/23/2007. (CO,) (Entered: 01/30/2007)
02/15/2007	ITEM # 20 ● <u>24</u>	Order Denying Motion To Reconsider/ Set Aside (Related Doc # <u>21</u>) Entered On 2/15/2007. (CO,) (Entered: 02/15/2007)
02/17/2007	● <u>25</u>	BNC Certificate of Service - See Image Attached - (RE: related document(s) <u>24</u> Order on Motion To Reconsider/ Set Aside). No. of Notices: 1. Service Date 02/17/2007. (Admin.) (Entered: 02/17/2007)
02/21/2007	● <u>26</u>	NOTED SUBMISSION ERROR - INCORRECT DOCKET EVENT Notice <i>Of Appeal</i> . Filed by David-CR G. Poston on behalf of Jimmy D. Saylor. (Poston, David-CR) Modified on 2/22/2007 (DS,). (Entered: 02/21/2007)
02/22/2007	● <u>27</u>	Notice of Submission Error requiring refileing. Please refile using the correct ECF docket event within 7 days or your pleading may be dismissed. (RE: related document(s) <u>26</u> Notice). Incomplete Filings due by 3/1/2007. PLEASE NOTE: \$255 FILING FEE REQUIRED. (DS,) (Entered: 02/22/2007)

02/22/2007	 <u>28</u>	Notice of Appeal . Fee Amount \$255. Filed by Michael-AH D. Brock on behalf of Jimmy D. Saylor (RE: related document(s) <u>24</u> Order on Motion To Reconsider/ Set Aside). Appellant Designation due by 3/5/2007. Transmission of Designation Due by 3/14/2007. (Brock, Michael-AH) (Entered: 02/22/2007)
02/23/2007	29	Receipt of Notice of Appeal(06-08035) [appeal,ntcapl] (255.00) filing fee. Receipt number 2166796, amount \$ 255.00. (U.S. Treasury) (Entered: 02/23/2007)
02/23/2007	 <u>30</u>	Notice Service of Notice of Appeal. Civil Action Number: Filed by (RE: related document(s) <u>28</u> Notice of Appeal, filed by Plaintiff Jimmy D. Saylor). (Attachments: # <u>1</u> Instructions for Appellant)(DS,) (Entered: 02/23/2007)
02/28/2007		Deadlines terminated (Close Case Follow-Up Review Deadline). (CO,) (Entered: 02/28/2007)
03/02/2007	 <u>31</u>	Appellant Designation of Contents For Inclusion in Record and Issues On Appeal / <i>Notice Of Appellant's Designation Of Items To Be Included In The Record On Appeal</i> . Filed by David-CR G. Poston on behalf of Jimmy D. Saylor (RE: related document(s) <u>30</u> Notice Service of Notice of Appeal, <u>28</u> Notice of Appeal, filed by Plaintiff Jimmy D. Saylor). Appellee designation due by 3/12/2007. (Attachments: # <u>1</u> Exhibits A - I# <u>2</u> Exhibits J - L# <u>3</u> Exhibits M - T)(Poston, David-CR) (Entered: 03/02/2007)
03/02/2007	 <u>32</u>	Appellant Designation of Contents For Inclusion in Record and Issues On Appeal / <i>Appellant's Statement Of Issue Presented On Appeal</i> . Filed by

		David-CR G. Poston on behalf of Jimmy D. Saylor (RE: related document(s) <u>30</u> Notice Service of Notice of Appeal). Appellee designation due by 3/12/2007. (Poston, David-CR) (Entered: 03/02/2007)
03/06/2007		Deadlines terminated (rel doc #27). Filing fee paid (rel doc #29 Rec# 2166796). (DS,) (Entered: 03/06/2007)
03/09/2007	 <u>33</u>	Appellee Designation of Contents for Inclusion in Record Filed by Michael E. Bybee on behalf of Select Portfolio Servicing, Inc. (RE: related document(s) <u>31</u> Appellant Designation and Issues on Appeal, filed by Plaintiff Jimmy D. Saylor, <u>32</u> Appellant Designation and Issues on Appeal, filed by Plaintiff Jimmy D. Saylor). (Attachments: # <u>1</u> Appellee's Exhibit "A"# <u>2</u> Appellee's Exhibit "B")(Bybee, Michael) Modified text to correct docket entry on 3/9/2007 (CO,). (Entered: 03/09/2007)

Middle District of Alabama Claims Register

02-80576 Jimmy D. Saylor and Tammie M. Saylor CASE

CLOSED on 09/25/2006

Judge: William R. Sawyer **Chapter:** 13

Office: Opelika **Last Date to file claims:**

Trustee: Curtis C. Reding **Last Date to file (Govt):**

Creditor: Max Recovery Inc. Successor to Sears P.O. Box 10228 Newark, NJ 07193-0228	Claim No: 1 Filed: 07/22/2002 Entered: 07/24/2002	Status: Filed by: CR Entered by: JI Modified: 07/29/2002
Unsecured claimed: \$3106.39 Total claimed: \$3106.39		
History: <u>1-1</u> 07/22/2002 Claim #1 filed by Max Recovery Inc. Successor to Sears , total amount claimed: \$3106.39 (JI)		
Description: (1-1) 0660248200066-credit card debt		
Remarks:		

Creditor: Landmark America Inc. P.O. Box 201347 Arlington, TX 76006-9788	Claim No: 2 Filed: 07/29/2002 Entered: 08/05/2002	Status: Filed by: CR Entered by: JI Modified: 10/09/2003
Unsecured claimed: \$19836.13 Total claimed: \$19836.13		
History: <u>2-1</u> 07/29/2002 Claim #2 filed by Landmark America Inc., total amount claimed: \$19836.13 (JI)		
Description: (2-1) 28LA0221/36716		

Remarks: (2-1) Transferred to National Capital Management LLC 10/08/03

Creditor:
Eastern Mortgage service, Inc.
c/o Fairbanks Capital Corp.
P.O.Box 65250
Salt Lake City, Utah 84165-0250

Claim No: 3
Filed: 08/02/2002
Entered: 08/12/2002

Status: Withdraw 65
Filed by: CR
Entered by:
Modified:

Secured claimed: \$3225.22

Total claimed: \$3225.22

History:

- JHM*
6
- 3-1 08/02/2002 Claim #3 filed by Eastern Mortgage service, Inc. , total amount claimed: \$3225.22
 - 51 07/25/2006 **WITHDRAWN - SEE DE #71** - Debtor's Objection to Claim # 3
Filed by Eastern Mortgage Services, Inc. c/o Fairbanks Capital Corp. Filed by David-CMD S. Clark on behalf of Jimmy D. Saylor, Tammie M. Saylor. Responses due by 8/24/2006. (Clark, David-CMD) Modified on 9/12/2006 (YP,).
 - 62 08/10/2006 **WITHDRAWN - SEE DE #71** Amended Objection to Claim # 3
filed by Eastern Mortgage Services Filed by David S. Clark on behalf of Jimmy D. Saylor, Tammie M. Saylor. Responses due by 9/11/2006. (Clark, David) Modified on 9/12/2006 (YP,).
 - 65 08/15/2006 NOTED SUBMISSION ERROR - INCORRECT DOCKET EVENT USED - REPLACED WITH DE #71 - Withdrawal of Claim # 3
Filed by David S. Clark on behalf of Jimmy D. Saylor, Tammie M. Saylor. (Clark, David) Modified on 9/12/2006 (YP,). Status: Withdraw

Description: (3-1) 3006962033

Remarks:

Creditor:
East Alabama Medical Center
Zarzaur & Schwartz P C

Claim No: 4
Filed: 08/16/2002
Entered: 08/30/2002

Status:
Filed by: CR
Entered by:

P O Box 11366 Birmingham AL 35202	Modified:
Unsecured claimed: \$4275.56	
Total claimed: \$4275.56	
<i>History:</i>	
<div> <div>4-1</div> <div>08/16/2002 Claim #4 filed by East Alabama Medical Center , total amount claimed: \$4275.56</div> </div>	
<i>Description:</i> (4-1) 02-50382-0	
<i>Remarks:</i>	

<i>Creditor:</i> East Alabama Medical Center Zarzaur & Schwartz P C P O Box 11366 Birmingham AL 35202	Claim No: 5 <i>Filed:</i> 08/16/2002 <i>Entered:</i> 08/30/2002	<i>Status:</i> <i>Filed by:</i> CR <i>Entered by:</i> <i>Modified:</i>
Unsecured claimed: \$529.88		
Total claimed: \$529.88		
<i>History:</i>		
<div> <div>5-1</div> <div>08/16/2002 Claim #5 filed by East Alabama Medical Center , total amount claimed: \$529.88</div> </div>		
<i>Description:</i> (5-1) 02-53784-0 9828800347 98268000		
<i>Remarks:</i>		

<i>Creditor:</i> East Alabama Medical Center Zarzaur & Schwartz P C P O Box 11366 Birmingham AL 35202	Claim No: 6 <i>Filed:</i> 08/16/2002 <i>Entered:</i> 08/30/2002	<i>Status:</i> <i>Filed by:</i> CR <i>Entered by:</i> <i>Modified:</i>
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Unsecured claimed: \$3745.68
Total claimed: \$3745.68
<i>History:</i> <u>6-1</u> 08/16/2002 Claim #6 filed by East Alabama Medical Center , total amount claimed: \$3745.68
<i>Description:</i> (6-1) 02-53786-0 9922200220 00183002
<i>Remarks:</i>

<i>Creditor:</i> HARRIS COUNTY TAX COMMINISIONER PO BOX 152 HAMILTON, GA 31811	Claim No: 7 <i>Filed:</i> 12/02/2002 <i>Entered:</i> 12/02/2002	<i>Status:</i> <i>Filed by:</i> CR <i>Entered by:</i> <i>Modified:</i>
Priority claimed: \$119.28		
Total claimed: \$119.28		
<i>History:</i> <u>7-1</u> 12/02/2002 Claim #7 filed by HARRIS COUNTY TAX COMMINISIONER , total amount claimed: \$119.28		
<i>Description:</i> (7-1) 021A 354		
<i>Remarks:</i>		

<i>Creditor:</i> FAIRBANK PO BOX 1900 HATBORO, PA 19040	Claim No: 8 <i>Filed:</i> 11/01/2004 <i>Entered:</i> 11/01/2004	<i>Status:</i> <i>Filed by:</i> CR <i>Entered by:</i> Humphrey, Scott <i>Modified:</i>
Secured claimed: \$3418.44		
Total claimed: \$3418.44		
<i>History:</i> <u>8-1</u> 11/01/2004 Claim #8 filed by FAIRBANK , total amount claimed: \$3418.44 (Humphrey, Scott)		
<i>Description:</i> (8-1) Post-Petition Proof of Claim		
<i>Remarks:</i> (8-1) Fairbanks is n/k/a Select Portfolio Servicing, Inc.		

ITEM #7

Creditor: UAB Hospital c/o Comer & Upshaw, LLP 2107 2nd Avenue N Birmingham, AL 35203	Claim No: 9 Filed: 07/13/2006 Entered: 07/13/2006	Status: Filed by: AT Entered by: Upshaw, William Modified:
Unsecured claimed: \$59.64 Total claimed: \$59.64		
History: ● <u>9-1</u> 07/13/2006 Claim #9 filed by UAB Hospital , total amount claimed: \$59.64 (Upshaw, William)		
Description:		
Remarks:		

Creditor: Eastern Mortgage Services, Inc. c/o Select Portfolio Servicing, Inc. Post Office Box 65250 Slat Lake City, Utah 84165	Claim No: 10 Filed: 08/14/2006 Entered: 08/14/2006	Status: Filed by: CR Entered by: Humphrey, Scott Modified:
Secured claimed: \$2325.22 Total claimed: \$2325.22		
History: ● <u>10-1</u> 08/14/2006 Claim #10 filed by Eastern Mortgage Services, Inc. , total amount claimed: \$2325.22 (Humphrey, Scott)		
Description:		
Remarks: (10-1) AMENDS CLAIM NUMBER 3		

Claims Register Summary

Case Name: Jimmy D. Saylor and Tammie M. Saylor

Case Number: 02-80576

Chapter: 13

Date Filed: 04/29/2002

Total Number Of Claims: 10

	Total Amount Claimed	Total Amount Allowed
Unsecured	\$31553.28	
Secured	\$8968.88	
Priority	\$119.28	
Unknown		
Administrative		
Total	\$40641.44	\$0.00

IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

IN RE:

JIMMY D. SAYLOR, &
TAMMY M. SAYLOR,
DEBTORS

JIMMY D. SAYLOR,

PLAINTIFF,

vs.

SELECT PORTFOLIO SERVICING, INC.,

DEFENDANT.

BANKRUPTCY CASE NUMBER:
02-80576
CHAPTER 13 CASE

A.P. #: 06-8035

3:07CV229-WKW

NOTICE OF APPEAL

Jimmy D. Saylor, the Plaintiff, appeals under 28 U.S.C. § 158(a) or (b) from the judgment, order, or decree of the bankruptcy judge, the Order Denying Motion To Reconsider, entered in this adversary proceeding on the 14th day of February, 2007.

The names of all parties to the judgment, order, or decree appealed from and the names, addresses and telephone numbers of their respective attorney(s) are as follows:

Jimmy D. Saylor, Appellant
6911 Lee Road
Opelika, Alabama 36804

Jimmy D. Saylor, Appellant
% David G. Poston, Esq.
BROCK & STOUT
Post Office Drawer 311167
Enterprise, Alabama 36330
334-671-5555

Select Portfolio Servicing, Inc., Appellee
% Gregory Harmer, Corp. Legal Dept.
3815 Southwest Temple
Salt Lake City, Utah 84115

Select Portfolio Servicing, Inc., Appellee
% Michael E. Bybee, Esq.
2107 East Fifth Avenue N.
Suite 200
Birmingham, Alabama 35203
205-252-1622

Dated this 21st day of February, 2007.

BROCK & STOUT

David G. Poston, Esq.
Post Office Drawer 311167
Enterprise, Alabama 36330
334-671-5555
334-671-2689 Facsimile
Email: christal@circlecitylaw.com

AP DOC # 28